



AUG 20 2008

**US Magnesium LLC**

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**FACSIMILE 801-538-6016**

August 20, 2008

Dr. William Moellmer  
Division of Water Quality  
Utah Department of Environmental Quality  
288 North 1460 West  
Salt Lake City, UT 84116-3231

**RE: COMMENTS ON PROPOSED WATER QUALITY STANDARDS, R317-2 – US  
MAGNESIUM LLC**

Dear Dr. Moellmer:

US Magnesium LLC has reviewed the July 15, 2008 rulemaking revisions to the water quality standards and submits the following comments.

- US Magnesium has reviewed the process used to develop the site-specific selenium standard for the Gilbert Bay region of Great Salt Lake and believes that the standard, as proposed, is based on a well-documented, science-based process aimed at ensuring ongoing protection of the beneficial uses of the Great Salt Lake.
- While US Magnesium concurs with the adoption of the selenium standard, we believe it should be adopted without the referenced footnote 14 (Table 2.14.2), which specifies an implementation methodology. It is our understanding that the methodology was developed by Division of Water Quality staff approximately one week before the end of the nearly four year standard development process and has not been subject to public scrutiny and comment.
- US Magnesium does not support or concur with the implementation methodology stated in the proposal. It is our view that it implements an arbitrary, potentially ineffective approach to management of the lake. Furthermore, it was proposed without any substantive explanation or supporting documentation and/or justification from the Division of Water Quality. It also appears to be inconsistent with other programs administered by the Division of Water Quality. US Magnesium believes the Division of Water Quality already has the necessary tools to monitor, assess and respond to water quality issues across the State without creating supplemental, arbitrary requirements.



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In summary, US Magnesium supports the Division of Water Quality in its science-based approach to promulgating numeric water quality standards. Furthermore, US Magnesium strongly recommends the Board adopt the referenced selenium standard without an implementation methodology that is potentially inconsistent with Utah law and that can be developed in a more rigorous and effective way.

Sincerely,



R. David Gibby  
Environmental Manager  
US Magnesium LLC